

BOARD OF CODE STANDARDS AND APPEALS MINUTES

April 2, 2007

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

Present: Coonrod, Harder, Hartwell, Hentzen, Murabito, Willenberg, Youle

Staff Members Present: Deb Legge, Maria Bias, Laura Hernandez, Sharon Dickgrafe, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, April 2, 2007, at 1:30 p.m. in the City Council Chambers, 1st floor, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes of the April 2, 2007, meeting.

A motion was made by Board Member Willenberg to approve the minutes of the April 2, 2007, meeting as submitted. Board Member Coonrod seconded the motion. The motion carried, unopposed. (Board Members Harder, Hartwell and Hentzen were not present for this vote.)

2. Approval of the April, 2007, license examination application(s) as follows:

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
Mark A. Pickarts	Roofing & Siding	April 2007
Jim A. Mills (Off-agenda)	Roofing & Siding	April 2007

Vice Chairman Youle made a motion to approve Mr. Pickarts' license examination application for testing. Board Member Willenberg seconded the motion. The motion was approved. (Board Members Harder, Hartwell and Hentzen were not present for this vote.)

Board Member Hentzen made a motion to approve Mr. Mills' license examination application for testing. Board Member Harder seconded the motion. The motion carried.

Board Member Coonrod asked for clarification on the update provided in the Board packets regarding the license examination for Richard L. Hoffman. Board Member Coonrod asked Ms. Legge if any further action was required by the Board since Mr. Hoffman had not passed his license examination. Ms. Legge confirmed that the Board need not take action on the matter. Board Member Coonrod inquired whether there was any waiting period before an applicant could retake a test that he had failed. Sharon Dickgrafe, Attorney in the City of Wichita Law Department, said that she would check the ordinance pertaining to the testing for roofing licenses and report to the Board at the end of the meeting.

Chairman Murabito requested that the Board Members and City Staff introduce themselves to the citizens in attendance.

3. Condemnation Hearings

Review Cases:

1. 2007 East 11th

There was no one in attendance to represent this property.

On August 7, 2006, this property was brought before the Board at the regularly scheduled meeting. The property had been sold at a tax auction, and that owner then sold the property to another party. The taxes are current; there is a special assessment for weed mowing in the amount of \$231.90. The reroof is complete; work is in progress on the siding; new windows have been installed; and the structure is secure.

The recommendation of the Central Inspection staff is to turn the property back to regular code enforcement.

Board Member Coonrod made a motion to return the property back to Central Inspection code enforcement. Board Member Willenberg seconded the motion. The motion was approved.

2. 2843 East Stadium

There was no representative on behalf of this property.

Originally brought before the Board on September 11, 2006, the property had been purchased at a tax sale by Troy Newman. Mr. Newman then sold the property to Keith Mason. Mr. Mason appeared before the Board in February 2007 and March 2007 to represent the property, and apprise the Board of his plans for repairing the structure.

Upon inspecting the site the week prior to the Board meeting, Central Inspection staff reported that there was some trash and debris on the premises; the brickwork has been completed; and the structure is secure. There is no evidence of any permits for the work that has been done thus far. Recommendation from the staff of Central Inspection is that a final thirty days be granted to complete the exterior repairs and obtain necessary permits.

Board Member Youle made a motion to allow thirty days for the completion of the repairs, provided any required permits are obtained, maintaining the site in a clean and secure condition. Board Member Willenberg seconded the motion. Unanimously, the motion was approved.

3. 1149 North Market

There was no one attending the hearing as a representative of this property.

At the November 2006 hearing, the widower of the deceased heir had appeared on behalf of the property. Also addressing the Board in hopes of preventing condemnation, was a representative of the HMCA, Historic Midtown Citizens' Association, who petitioned the Board to defer action on the property until the association could attempt to

purchase the property. Ms. Legge said that she had spoken to one of the heirs, currently incarcerated in Hutchinson, Kansas, and he expressed his interest in selling the property. The property is presently in tax foreclosure, with delinquent taxes dating to 2002.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of demolition, ten days to begin demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion passed.

4. 522 North Chautauqua

The owner was unable to attend the meeting to represent this property.

Ms. Legge relayed to the Board that Ivan Wells, the property owner, had contacted her by telephone, explaining that he was unable to be present for the hearing. A site inspection of the premises revealed that the foundation work is completed; some painting has been done; and the structure is secure. Mr. Wells also informed Ms. Legge that the painting contractor had been unable to complete the job because of the rainy weather conditions in the previous weeks. Mr. Wells expected to have all of the repairs completed within thirty days.

The recommendation by Central Inspection staff was to allow the thirty-day extension.

Board Member Youle made a motion to allow thirty days for the remainder of the exterior work to be completed, maintaining the property in a clean and secure condition. Board Member Hartwell seconded the motion. The motion carried.

5. 818 South Emporia

Javier Galindo was present to represent this property. Ms. Laura Hernandez, Central Inspection, was also present to interpret for him.

This property was first before the Board at the January 2007 hearing, and again at the February 2007 hearing. At the February hearing, the Board approved a motion to allow sixty days to bring the property into compliance; pay delinquent taxes; and maintain the property in a clean and secure condition, or reappear at the April hearing.

At the last site inspection, Central Inspection staff reported that the structure was secure, and the premise was in fair condition. The taxes are current; there is some new siding; the trim has been painted.

Ms. Legge recommended that Mr. Galindo be granted an additional thirty days to complete the remaining exterior repairs or reappear before the Board.

Chairman Murabito inquired whether Mr. Galindo had anything further to add to Ms. Legge's remarks. Mr. Galindo said that he would request that the Board consider extending the compliance deadline to sixty days so that he would have enough time to finish the painting. Long periods of rainy weather and lower temperatures had prevented him from completing the painting. Given the normal spring weather expectations, Mr. Galindo said that he would like to ensure that he would have adequate time to meet the Board's requirements in case of extended spells of rain.

Additionally, there is still interior work to be done, along with some repairs to the roof and the foundation. Since the house is not occupied, Mr. Galindo explained that he wanted to keep the doorways boarded to prevent vandals from breaking into the structure and stealing materials from inside the house. He informed the Board that he was scheduled to meet with the contract buyer to whom he had originally sold the property. If she decided to move into the house and make the payments, he might give her the opportunity to resume the contract. If the contract buyer did not want to purchase the property, Mr. Galindo would complete the interior repairs and decide at that time whether to rent or sell the property. Mr. Galindo expressed some confusion about whether the foundation repairs cited by the inspector were on a portion of the foundation or the entire foundation.

Ms. Legge suggested that Mr. Galindo meet with the Neighborhood Inspector to clarify what remaining repairs were needed. She reminded Mr. Galindo that leaving the property boarded for an extended period of time would require him to register the property with Central Inspection as a vacant structure, and provide Central Inspection with a Statement of Intent for his future plans for the site.

Board Member Coonrod made a motion to allow sixty days for the remainder of the exterior repairs to be completed, maintaining the property in a clean and secure condition. Board Member Willenberg seconded the motion. The motion was unanimously approved.

6. 1412 South Waco

The owner, Kent Lewis, was present to represent this property.

This property was first before the Board at the January 8, 2007, hearing. At the January hearing, the Board approved a motion to allow ninety days to complete the repairs while maintaining the site in a clean and secure condition, or reappear before the Board with an update.

The taxes are current. At the last site inspection, there was some roofing debris on the premise; however, the reroof was in progress. There is new soffit and fascia on the front of the structure, and there is scraping and priming in progress in preparation for painting. The accessory dwelling also has new soffit and fascia, and new windows have been purchased. Recent rainy weather has interrupted the painting process.

Ms. Legge told the Board that Central Inspection recommended allowing an additional sixty days for the exterior repairs to be completed.

Mr. Lewis reported that he had repaired the soffit and the front porch; he has also installed a new front door. The front structure has been scraped and approximately ninety-percent of it has been primed. While removing the old roofing shingles, it began raining, and they had to temporarily halt the work. Mr. Lewis said that he anticipated completing the roofing by the end of the week, weather permitting. Mr. Lewis said that he had all new windows purchased for both structures, and would provide the receipt as proof if necessary. At the end of the upcoming week, Mr. Lewis has arranged to remove all the blocks from beneath the front porch in order to tuck point all the foundation and repair the block porch. His request for additional time was due to the recent periods of rain that prevented steady work on the property.

Board Member Hentzen questioned whether Mr. Lewis had obtained a permit for each structure, or whether he had purchased one permit that included the work for both houses. Also, Board Member Hentzen cautioned Mr. Lewis to get direction from Central Inspection on the number of layers of roofing allowed by code before installing a second layer of roofing on the houses. Mr. Lewis replied that he had purchased a permit for each structure, and that he would make the necessary inquiries regarding the roofing code.

Board Member Hentzen made a motion to allow ninety days for completion of the repairs, maintaining the property in a clean and secure condition. Board Member Hartwell seconded the motion. The motion carried without opposition.

7. 1726 South Millwood

The property was represented by Alan Tackett.

This property was before the Board for the first time at the February 2007 hearing. A motion was approved by the Board to allow sixty days to obtain the required permits and demolish the building, keeping the site secure and as clean as possible during demolition.

The 2005 and 2006 taxes are delinquent in the amount of \$542.03. There is a woodpile and trash and debris on the premises; the structure is secure. Although the sewer has been sealed off, there has been no demolition permit issued. Through a Statement of Intent, Mr. Tackett has indicated that he wishes to unboard the structure and repair it.

Mr. Tackett addressed the Board, explaining that the site has undergone an extensive clean up. He said that the windows have been unboarded, and the roof has been stabilized from the interior side and covered on the exterior, awaiting the permit process to get underway. He went on to tell the Board that extenuating circumstances had delayed the repairs. Mr. Tackett said that both he and his mother had been faced with serious health issues recently, preventing their attention to this matter. Mr. Tackett said that he would need at least six months to finish the entire project; however, the exterior alone would take only thirty to sixty days to bring into compliance.

Board Member Willenberg asked what Mr. Tackett intended to do about the delinquent taxes. Mr. Tackett assured him that they would be paid within the next sixty days. Board Member Willenberg said that he would not be comfortable allowing an additional sixty days unless Mr. Tackett could resolve the tax debt right away; Mr. Tackett agreed that he would be willing to take of the tax debt, and that his brother, Jeffrey, would be willing to take of the delinquent amount after the Board meeting.

Chairman Murabito inquired whether Mr. Tackett planned to do the work or whether he planned to hire a contractor. Mr. Tackett said that he intended to do as much of the work as possible, and hire a contractor to do a portion of it. Chairman Murabito asked if he had contacted any contractors. Mr. Tackett said that he had some contractors in mind, but had yet to contact anyone about the work. The matter of cost was raised by Chairman Murabito. Mr. Tackett said he had two properties that were financially unencumbered, and he was going to use those properties as collateral for a loan to fund the repairs on the Millwood property.

Board Member Hartwell said that the debris in the back of the lot; the condition of the side porch, which appeared to be dangerous; and the woodpile had to have immediate attention. Mr. Tackett said that the debris and the woodpile would be removed within the day.

Board Member Hartwell made a motion to allow thirty days for the premises to be completely cleared of junk and debris, the dangerous condition of the side porch to be addressed, and the delinquent taxes paid. Board Member Hentzen seconded the motion. The motion was approved by the Board.

8. 637 North Hoyt

There was no one representing this property at the hearing.

This structure has been razed, and Ms. Legge recommended returning the case to the code enforcement staff of Central Inspection. A permit for the demolition has not yet been obtained; however, Ms. Legge said that Neighborhood Inspection could follow up on the permit and make certain that the remainder of the demolition debris was cleared from the site.

Board Member Coonrod made a motion to return the case to the Central Inspection code enforcement staff. Board Member Harder seconded the motion. The motion was approved.

Ms. Dickgrafe reported to the Board that there was no specific waiting period required before retesting for the roofing and siding licenses.

With no other business to conduct, Board Member Coonrod made a motion to adjourn the meeting. Board Member Willenberg seconded the motion. The motion was passed.

The meeting adjourned at 2:20 p.m.